

SENATE GENERAL WELFARE COMMITTEE AMENDMENT 1

Amendment No. 1

1 to SB0737
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 737

House Bill No. 418*

by deleting Section 1 of the printed bill in its entirety, by substituting instead the following sections, and by appropriately renumbering the last section:

SECTION 1. Tennessee Code Annotated, Section 36-5-907(a), is amended by deleting the language "If the department does not release the lien within sixty (60) days of the request, it shall be liable for court costs in any action to remove the lien." and by substituting instead the following:

At any time after the child support obligation has been paid, satisfied or otherwise determined to not be a valid lien, the person holding title to the property on which the lien is placed may request the department to release the lien. If the department fails to release the lien within forty-five (45) days of receipt of a written request, it shall forfeit a penalty of one hundred dollars (\$100), due as of the forty-sixth (46th) day, to the holder of the title to the property. A penalty authorized by this section may be collected through any available administrative enforcement procedure or in the court of competent jurisdiction. The non-prevailing party shall be liable for court costs and reasonable attorney fees.

SECTION 2. Tennessee Code Annotated, Section 36-5-907, is further amended by designating the existing subsection (a) as (a)(1), and by adding the following subdivisions:

(2) If the indebtedness is not released within the aforesaid forty-five-day period, the party having requested the release shall again request the release, and, if after thirty (30) days from the second request, the indebtedness has not

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been released, the holder shall forfeit to the party making the request a sum not to exceed one thousand dollars (\$1,000).

(3) In the event suit is instituted to collect either or both of the forfeitures, the holder shall also be liable to the party instituting suit for all reasonable expenses, attorney fees, and the court costs incurred in this action.